

CS FOR HOUSE BILL NO. 318(FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered: 3/19/98

Referred: Resources

Sponsor(s): REPRESENTATIVE IVAN

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to waste of salmon."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** INTENT. It is the intent of this legislation that the stripping of salmon roe
4 for cost recovery purposes by hatcheries is prohibited. The only exception is the selling of
5 roe from broodstock, commonly referred to as excessive broodstock, which has returned in
6 numbers larger than anticipated by the hatchery and the Department of Fish and Game, and
7 is not fit for human consumption. The roe of that excessive broodstock may be stripped and
8 sold after the hatchery has obtained a permit from the department for that exclusive purpose.

9 * **Sec. 2.** AS 16.05.831 is repealed and reenacted to read:

10 **Sec. 16.05.831. Waste of salmon.** (a) A person may not intentionally,
11 knowingly, or with reckless disregard for the consequences waste salmon.

12 (b) A person who violates this section is guilty of a class A misdemeanor. In
13 addition, a person who violates this section is subject to a civil action by the state for
14 the cost of replacing the salmon wasted.

15 (c) In this section,

1 (1) "flesh" means all muscular body tissue surrounding the skeleton;
2 "flesh" does not include skeleton, skin, internal organs, or sex parts;

3 (2) "waste" means the failure to use, sell, barter, or gift the majority
4 of the flesh of salmon for human food, reduction to meal or fertilizer, production of
5 food for domestic animals or fish, bait, or scientific, display, or educational purposes;
6 "waste" does not include normal, inadvertent loss of flesh associated with processing
7 that cannot be prevented by practical means.

8 * **Sec. 3.** AS 16.10.450 is amended by adding new subsections to read:

9 (c) Except as provided by (d) and (e) of this section, a hatchery operator is
10 subject to AS 16.05.831.

11 (d) Notwithstanding AS 16.05.831, a hatchery operator who takes eggs or
12 sperm for use in a hatchery or a related salmon culture facility from adult salmon
13 returning to the locations designated by the department under AS 16.10.420 shall
14 provide for the utilization of the flesh of the salmon from which eggs or sperm are
15 taken unless the hatchery operator determines that the flesh is not fit for human
16 consumption and that it is not economical to provide for utilization of the flesh.

17 (e) Notwithstanding AS 16.05.831, if the commissioner issues a permit
18 authorizing the stripping and commercial sale of eggs from adult salmon taken at
19 locations designated by the department under AS 16.10.420, a hatchery operator may
20 strip eggs from the salmon for commercial sale and dispose of the flesh of the salmon
21 in accordance with procedures prescribed by the commissioner in the permit. The
22 commissioner may issue a permit authorizing the stripping of eggs from salmon and
23 disposal of the salmon carcasses by a hatchery operator if the commissioner determines
24 that sufficient salmon eggs will be recovered to continue operation of the hatchery and
25 related salmon culture facilities and to provide salmon eggs to other hatcheries, that
26 the flesh of the salmon carcasses is not fit for human consumption, and that it is not
27 economically feasible to use the flesh of the salmon in a manner consistent with
28 AS 16.05.831. The fee for a permit issued under this subsection is equal to 50 percent
29 of the net proceeds earned from the sale of the salmon eggs to a seafood processor or
30 other purchaser. The commissioner shall adopt regulations as necessary to implement
31 this subsection and shall seek to promote the maximum practical use of the flesh of

1 salmon harvested by hatchery operators. Permit fees collected under this subsection
2 shall be deposited into the general fund. The legislature may appropriate money
3 collected under this subsection to the Department of Fish and Game, division of
4 commercial fisheries management and development.